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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 CLARENCE JAMES "KIMO" SLOAN, JR.,

CASE NO. C 05-03168 WHA

12 Plaintiff,

13 v.

14 **STIPULATION AND**
~~PROPOSED~~ ORDER
DISMISSING COMPLAINT
AGAINST DEFENDANT
NATIONAL RAILROAD
PASSENGER CORPORATION
D/B/A AMTRAK

15 CALTRAIN, a public corporation; MICHAEL
 16 SCANLON, et al.,

17 Defendants.

18
 19 Plaintiff CLARENCE JAMES "KIMO" SLOAN, JR. filed the original Complaint in this
 20 action in San Mateo County Superior Court on June 17, 2005, *Sloan v. Caltrain, a public*
 21 *corporation, et al.*, Case No. CIV 447601, and served National Railroad Passenger Corporation
 22 d/b/a Amtrak (hereafter "Amtrak"). The Superior Court action was subsequently removed to the
 23 United States District Court for the Northern District of California on August 4, 2005, Case No.
 24 C 05-03168 WHA.

25 Plaintiff and Amtrak have now settled all claims between them and request, pursuant to
 26 Federal Rules of Civil Procedure, Rule 41(a)(2), that this court enter an order dismissing this
 27
 28

1 action against Amtrak in its entirety and with prejudice, with each party to bear its own costs and
2 attorney's fees.

3 DATED: August 21, 2006

PHILLIPS, ERLEWINE & GIVEN LLP

By: 

R. Scott Erlewine
Attorneys for Defendant AMTRAK

7 DATED: August 21, 2006

By: 

Charles J. Katz
Attorneys for Plaintiff CLARENCE
JAMES "KIMO" SLOAN, JR.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 11, 2006

UNITED STATES JUDGE

